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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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|-----------------|-------------|----------------------|---------------------|------------------|

10/081,225

02/22/2002

Donal Medlar

P02,0049

1649

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7590

09/27/2004

SCHIFF HARDIN, LLP
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EXAMINER

VO, TUNG T

ART UNIT

PAPER NUMBER

2613

DATE MAILED: 09/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 10/081,225 | Applicant(s) MEDLAR ET AL. | |
| | Examiner Tung T. Vo | Art Unit 2613 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>04/22/02</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, lines 6 and 14, "said patient bed" fails to provide antecedent basis for this limitation in the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 and 3-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Born et al. (US 4,609,940).

Re claim 1, Born discloses a positioning device for a diagnostic imaging system (figs. 1-3), comprising:

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a patient support having a table (1 of fig. 1) adapted to receive a patient (2 of fig. 1) thereon which is movable between a preparation position, outside of said diagnostic imaging system, to an interior position within said diagnostic imaging system (col. 1, lines 1-11);

a camera (10 of fig. 1, e.g. the camera (10) is taking the image of the patient and the image is stored in a memory, see abstract) having a field of view which includes at least a portion of a patient bed (table) in said preparation position;

said patient bed having a position acquisition device (14 of fig. 1) which generates a signal indicating a position of said table (col. 2, lines 23-37);

a picture screen (12 of fig. 2) connected to said camera for displaying an image in said field of view of said camera;

a region selection device (13 of fig. 2) which interacts with said picture screen to designate a desired examination region in the image on the picture screen (col. 2, lines 13-14);
and

a computer (17 of fig. 2) connected to said picture screen (12 of fig. 2) and to said patient bed (19, 20 of fig. 2, and 1 of fig. 1), and receiving said signal from said position acquisition device (13 of fig. 1), for automatically moving said table and said patient to a position within said diagnostic imaging system needed for obtaining an image of said examination region (col. 2, lines 15-37).

Re claim 3, Born does disclose the monitor (12 of fig. 2) is a touch screen forming said region selection device (13 of fig. 2, e.g. the light pen marks the region of interest on the picture displayed on the monitor (12 of fig. 2).

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Re claim 4, Born further discloses wherein said region selection device also enters at least one of a scan length and a scan region associated with said examination region via said picture screen (13 of fig. 2, e.g. the pen marks the region of interested of the picture taken by the television camera (10 of fig. 1), so the region of interest has the length and the scan region, see also col. 1, lines 30-43).

Re claim 5, Born further discloses a memory accessible by said computer wherein the position of said table needed for obtaining said image of said examination region is stored (col. 1, lines 30-32).

Re claim 6 Born further discloses an input unit allowing entry of image planes in advance of obtaining said image of said examination region (9 of fig. 1, see also col. 2, lines 7-8).

Re claim 7, Born further discloses at least one further camera having a field of view which is also displayable on said picture screen to allow selection of a region having at least two dimensions as said examination region (the picture that is taken by the camera (10) is two dimensions, see also co. 2).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Born et al. (US 4,609,940) in view of Banks et al. (US 6,674,449 B1).

Born teaches the microcomputer (17 of fig. 2) except a computer mouse as claimed. It is noted that the computer mouse used for computer is well known in the art as suggest by Banks (100 of fig. 1) to input the text and other information with the picture to easily recognized when the picture is displayed.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kalend et al. (US 5,823,192) discloses a apparatus for automatically positioning a patent for treatment/diagnoses.

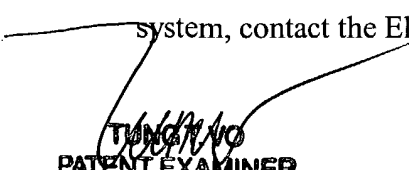
Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung T. Vo whose telephone number is (703) 308-5874. The examiner can normally be reached on 6:30 AM - 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris. Kelley can be reached on (703) 305-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


PATENT EXAMINER

T.Vo

Tung T. Vo
Primary Examiner
Art Unit 2613